Supreme Court, U.S.
FILED

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OFFICE OF THE CLERK

No.

In The Supreme Court of the United States

JAMES WRAY,
Petitioner,
v.
CHARLES JOHNSON, INDIVIDUALLY;
CHARLES JOHNSON AND/OR DAVID
JOHNSON TRUSTEE OF THE HOYT SIBLEY
AND MARY SIBLEY 1973 TRUST,
Respondents.

On Petition for a Writ of Certiorari to the Supreme Court of the State of Nevada

SUPPLEMENTAL APPENDIX TO THE PETITION FOR WRIT OF CERTIORARI

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6 pp

APPENDIX

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A.	District Court Order (Sept. 9, 1999)	2a

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FILED
Sep 9 11:19 AM '99
Shirley B. Parraguirre
CLERK

DISTRICT COURT
CLARK COUNTY NEVADA
* * *

JAMES WRAY; DAVID WRAY, Plaintiffs, vs. CHARLES JOHNSON, CHARLES JOHNSON AND/OR DAVID JOHNSON TRUSTEE OF THE HOYT SIBLEY AND MARY M. SIBLEY 1973 TRUST; JOHN DOES 1-V; inclusive AND BLACK AND WHITE COMPANIES, Defendants.	CASE No. A-387472 DEPT. No. XIX Docket No. "K"

ORDER

Defendant Charles Johnson's Motion and Supplemental Motion to Dismiss having come on regularly for

hearing in Department XIX, The Honorable Judge Gary L. Redmon presiding and the plaintiffs, David Wray and James Wray appearing personally and representing themselves, the defendant Charles Johnson appearing through Keith Edwards of Edwards, Hale, Sturman & Atkins, Ltd. and David Johnson, Trustee of the Hoyt Sibley and Mary M. Sibley 1973 Trust, appearing through Mark Solomon of Lionel, Sawyer and Collins, oral argument having been heard and the Court being fully advised in the premises and good cause appearing therefore.

The Court hereby makes the following findings:

1. That the Court has considered affidavits and matters beyond the scope of the pleadings and therefore the matter will be treated as a Motion for Summary Judgment;

2. That the allegations of the Complaint are inconsistent and mutually repugnant;

3. That the plaintiffs received and read a copy of the Hoyt Sibley and Mary M. Sibley 1973 Trust in 1991, shortly after the death of Mary M. Sibley;

4. That the plaintiffs in attempting to stay the cause of action for fraud, failed to allege representations by defendant upon which they relied and that the allegations upon which they did rely are not relevant to a cause of action for fraud;

Based upon the foregoing findings the Court draws the following conclusions:

1. That the plaintiffs knew of or should have known about the alleged Power of Appointment clause exercised by Hoyt Sibley in 1991.

2. That the plaintiffs failed to act upon the knowledge concerning the alleged malpractice of Charles Johnson within two years of knowing or being on notice of the alleged malpractice.

3. That the plaintiffs failed to act within four years of the occurrence giving rise to their damages in a malpractice action.

4. That the plaintiffs have failed to state a cause of action for fraud or for fraudulent misrepresentation.

5. That there is no basis for a claim for punitive damages.

6. That the plaintiffs' Amended Complaint fails to state a cause of action.

Based upon the foregoing findings and conclusions the Court hereby enters judgment in favor of the defendant and against the plaintiffs.

DATED this 9st (sic) day of September, 1999.

s/ Gary Redmon
DISTRICT JUDGE

EDWARDS, HALE &
HANSEN (sic), Ltd.

By s/ Keith Edwards
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